



NEWS RELEASE

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Ninth Circuit Sitting in Honolulu Includes Visit to University of Hawaii

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hear oral arguments next week in Honolulu, Hawaii. The court will sit February 9-10 at its regular venue at 1132 Bishop Street, then hold a special sitting February 11 at the University of Hawaii at Manoa, William S. Richardson School of Law.

A three-judge panel consisting of Circuit Judge Carlos T. Bea of San Francisco and Senior Circuit Judges Jerome Farris of Seattle and Dorothy W. Nelson of Pasadena will hear appeals of decisions by the U.S. district courts for the districts of Hawaii and Guam. The cases involve habeas, criminal, bankruptcy, immigration, tax, civil, and federal appeals.

Oral arguments on February 9-10 will begin at 9 a.m. in the Sixth Floor Courtroom. A photo ID will be required for access into courtroom. The law school sitting on February 11 will begin at 9:30 a.m. in the Moot Courtroom, 2515 Dole Street.

Among the cases on the docket are:

- *Yasay v. Holder*, in which Villamor Dacanay Yasay, a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an immigration judge's decision denying termination of proceedings. The BIA held that Yasay's conviction for sexual assault in the third degree constitutes aggravated felony sexual abuse of a minor. Case 08-74610
- *United States v. Lee*, in which the U.S. appeals the Guam district court's order dismissing a superseding indictment charging Haeng Lee with conspiracy and fraud in connection with an identification document arising from Lee obtaining a Guam driver's license by giving a

fictitious Individual Taxpayer Identification Number to an employee of the Guam Motor Vehicle Division. Case 09-10126

- *United States v. Gurumoorthy*, in which Natarajan Gurumoorthy appeals the sentence imposed following his guilty plea to possession of more than 15 counterfeit and unauthorized access devices and possession of device making equipment. Case 09-10182
- *Simpao v. Government of Guam*, in which Mary Grace Simpao and Janice Cruz appeal the Guam district court's order approving a class action settlement involving the government of Guam's failure to pay earned income tax credit to the class members. Simpao and Cruz filed one of the three parallel actions that were combined to form the class action. Case 08-16230
- *United States v. Luna*, in which Arnold Luna appeals his jury conviction of distribution of methamphetamine within 1,000 feet of a college. Case 09-10093
- *United States v. Evans-Martinez*, in which Jesus Evans-Martinez appeals the sentence imposed on resentencing following Ninth Circuit Court of Appeals' remand in case number 05-10280 of his conviction by guilty plea to sexual abuse of a minor, sexual exploitation of a minor, and witness tampering. The Ninth Circuit vacated the original sentence and remanded the case because the Hawaii district court did not give Evans-Martinez notice of its intent to depart from the applicable guideline range. Case 09-10098

The Ninth Circuit Court of Appeals hears appeals of cases decided by federal agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court normally meets monthly in Seattle, San Francisco and Pasadena, every other month in Portland, twice per year in Honolulu and once in Anchorage. A complete schedule of cases is available online at

<http://www.ca9.uscourts.gov>.

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